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Response to Office Action dated June 8, 2004
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Art Unit: 2835
Examiner: Chervinsky
Docket No. RPS9 2003 0066 US1

REMARKS/ARGUMENTS

Claims 1-20 were presented and examined. The Examiner objected to the drawings. The Examiner rejected claims 1-20 under 35 USC § 112, first paragraph, as failing to comply with the enablement requirement. The Examiner rejected claim 19 under 35 USC § 112, second paragraph. Claims 1-3 and 18-20 were rejected under 35 USC § 102(a), as being anticipated by Matsumoto (U.S. Patent No. 6,427,763), hereinafter "Matsumoto". Claims 11, 15, and 16 were rejected under 35 USC § 102(e), as being anticipated by Lee (U.S. Patent No. 6,712,127), hereinafter "Lee". The Examiner rejected claims 4-6 under 35 USC § 103(a), as being unpatentable over Matsumoto in view of Saneinejad *et al.* (U.S. Patent No. 5,754,401), hereinafter "Saneinejad"; claim 7 as unpatentable over Matsumoto in view of Lee; claims 8-10 over Matsumoto in view of Lee and further in view of Saneinejad; and claims 12-14 and 17 over Lee in view of Saneinejad. In this response, Applicant has amended claims 1, 2, 5, 11, 12, and 16-20, canceled claims 6, 8, and 15. Claims 1-5, 7, 9-14, and 16-20 remain pending.

Drawing Objections

The Examiner objected to the drawings under 37 CFR §§ 1.84(p)(5), 1.83(a) and required correction. In response to the 1.84(p)(5) objection, Applicant has amended the specification as indicated above to conform the reference numerals used in the description of FIG. 3 through FIG. 8 to the figures themselves. Because the amended reference numbers are fully consistent with the drawings as originally submitted, these amendments present no new matter. With respect to the 1.83(a) objection, applicant has canceled or amended the claims referring to foam elastomeric elements being affixed to metal elements. Applicant believes that the amendments to the specification and claims obviates the drawing objections and Applicant would respectfully request the Examiner to reconsider and withdraw the drawing objections.

Claim rejections under 35 USC § 112, First Paragraph

The Examiner rejected claims 1-20 under 35 USC § 112, first paragraph, as failing to comply with the enablement requirement. The Section 112, first paragraph rejection states: "The specification does not provide sufficient structure for the foam elastomeric element being affixed

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to sections of the metal element, drawings are unclear and confusing, providing reference number (sic) which are not discussed in the specification or point to elements that are misdescribed in the specification, e.g., reference number 602 on FIG. 6 designated as the gasket. The active area of the fan has not been defined as well as 'additional foam elastomeric elements' of claim 6."

Applicant believes it has addressed the issues referred to in the Section 112, first paragraph rejection in its amendments. Specifically, claim references to foam elements being affixed to metal elements have been deleted. The drawing confusion has been corrected by the amendments to the reference numbers in the specification. Claims references to "active area" have been amended or deleted and claim 6 has been canceled. Accordingly, Applicant would respectfully request the Examiner to reconsider and withdraw the Section 112, first paragraph rejection.

Claim rejections under 35 USC § 112, Second Paragraph

In response to the claim rejection under Section 112, second paragraph, Applicant has amended the claim to replace "carrier structure" with "carrier," which is clearly supported by the specification. Accordingly, Applicant would respectfully request the Examiner to reconsider and withdraw the Section 112, second paragraph rejection.

Claim rejections under 35 USC § 102(a)

The Examiner rejected claims 1-3 and 18-20 under Section 102(a) as being anticipated by Matsumoto.

With respect to claims 1-5, 7, 9, and 10, Applicant has amended independent claim 1 to recite a fan shroud that includes a carrier that defines a cavity for receiving the fan. In addition, independent claim 1 has been amended to recite that it is the fan shroud that is configured to maintain the fan in close proximity to the heat sink. Because support for these amendments is found in the specification as originally filed, for example, in paragraph numbers [0016] and [0017], these amendments introduce no new matter.

The cited reference does not teach or suggest a fan shroud that includes a carrier that defines a cavity suitable for receiving the fan. Matsumoto discloses a device referred to as an air

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rectification blade that connects to a heat sink and a fan. The Masumoto device attaches to the fan using hooks (1e) that engage a groove (2c) in a flange (2b) of the fan. The Matsumoto hook and groove attachment mechanism does not anticipate a carrier defining a cavity for receiving the fan as recited in amended claim 1. The hook and groove configuration of Matsumoto suffers a considerable drawback in that it requires the fan to have appropriately positioned grooves in order to engage the hooks of the rectification blade properly. In contrast, the carrier cavity recited in the amended claim clear does not require the fan to possess any specially located hardware or architectural features.

An anticipation rejection is appropriate only when all the limitations of a claim are present in a single reference. The Matsumoto reference does not disclose all of the limitations of claim 1 as amended herein. Accordingly, Applicant would respectfully request the Examiner to reconsider and withdraw the rejection of independent claim 1 and its dependent claims.

With respect to independent claims 18-20, Applicant has amended independent claim 18 to recite wherein the fan shroud of the claimed apparatus includes a carrier defining a cavity size to encapsulate the fan. Because support for these amendments is found in specification as originally filed at paragraphs [0016] and [0017], these amendments introduce no new matter. For substantially the same reasons that claim 1 as amended recites matter not taught by Matsumoto, the limitations of claim 18 as amended are not taught by Matsumoto. Accordingly Applicant would respectfully request the Examiner to reconsider and withdraw the rejection of independent claim 18 as amended and its dependent claims.

In addition to the foregoing, Applicant has amended dependent claims 5 and 20 to recite that the fan shroud includes rigid legs to support the fan and an elastomeric element affixed to the fan. Because support for this amendment is found in the specification as originally filed at paragraph [0018], the amendment does not introduce new matter. The cited references do not teach or suggest the limitations of the amended claim. Specifically the cited references do not teach or suggest the benefits of using an integrated fan shroud / vibration isolation device comprised of two types of materials, namely, rigid legs for attaching to the heat sink and supporting the fan and an elastomer isolation device. Matsumoto's device is explicitly recited as being entirely comprised of elastically deformable material (column 3, lines 23-25). Saneinejad,

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on the other hand, clearly describes its shroud 600 as being a distinct element from the elastomeric foam 500. Neither reference contains any motivation or suggestion to modify the elements taught to arrive at the combination of elements recited in the amended claim. A Section 103(a) rejection is not appropriate unless there is some motivation or suggestion to modify the references to arrive at the claimed combination. Accordingly, Applicant would respectfully request the Examiner to reconsider and withdraw the rejection of amended claims 5 and 20.

In addition to the foregoing, Applicant would respectfully submit that the limitations of claim 19 as amended are neither taught nor suggested by the cited references. Claim 19 recites that the fan shroud legs and cross bands surround a perimeter of the heat sink. The Matsumoto legs (1g) clearly do not surround a perimeter of the heat sink. Encircling the heat sink with the fan shroud legs provides a greater degree of attachment between the fan and the heat sink thereby beneficially improving the heat dissipation mechanism as a whole. Because the limitations of claim 19 as amended herein are not taught by the cited reference, Applicant would respectfully request the Examiner to withdraw the anticipation rejection of claim 19.

Claim rejections under 35 USC § 102(e)

The Examiner rejected claims 11, 15, and 16 under 35 USC § 102(e), as being anticipated by Lee.

With respect to claims 11-14, 16, and 17, Applicant has amended independent claim 11 to recite that the assembly comprises a fan shroud that includes a carrier defining a cavity for encapsulating the fan. Because support for these amendments is found in the specification as filed at paragraphs [0016] and [0017], the amendments present no new matter. The amended claim recites limitations neither taught nor suggested by the cited reference. Specifically, Lee does not teach a carrier element having a cavity to receive the fan. In FIG. 9, for example, the Lee fan element is clearly not received within a cavity of a carrier element. Once again, because this is an anticipation rejection, the cited reference must disclose all of the claimed limitations. Because Lee does not disclose this claimed element, Applicant would respectfully request the

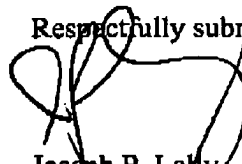
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Examiner to reconsider and withdraw the rejection of independent claim 11 and its dependent claims.

In this response, Applicant has addressed the Examiner's objections, claim rejections under 35 USC § 112, first paragraph, claim rejections under 35 USC §§ 102(a) and 102(e), and claim rejections under 35 USC § 103(a). Accordingly, Applicant believes that this response constitutes a complete response to each of the issues raised in the office action. In light of the amendments made herein and the accompanying remarks, Applicant believes that the pending claims are in condition for allowance. Accordingly, Applicant would request the Examiner to withdraw the rejections, allow the pending claims, and advance the application to issue. If the Examiner has any questions, comments, or suggestions, the undersigned attorney would welcome and encourage a telephone conference at 512.428.9872.

Respectfully submitted,



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